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SUBJECT: ROUND TWO FOR CABINET SWEEPSTAKES UNDERWAY

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Classified By: PolCouns Annie Pforzheimer for reasons 1.4 (b) and (d)

¶1. (C) Summary: After meeting with his cabinet, advisors and MPs on January 4, President Karzai issued a Presidential decree late in the day calling an extraordinary session of Parliament to finish the task of cabinet confirmation. Parliament Speaker Qanooni presided January 5 over a contentious session in which many recess-bound MPs objected both to the tone and constitutional validity of the President's decree; in the end Qanooni split the decision, releasing MPs for a brief recess with instructions to reconvene as soon as the President submits a full slate of 18 nominees, including one for Foreign Minister. It is still unclear how soon the President will do so - perhaps as soon as January 9. Many MPs made clear in the January 5 session that they expect new names, not retreads, on the new slate of nominees, but Qanooni reportedly left the door open to re-nominations of some individuals, provided they are in different portfolios. The result could be an overall improvement in the quality of the cabinet. Meanwhile, we continue to receive varied accounts of why Parliament rejected so many ministerial nominees from the first slate.
End Summary.

Recess - for a few days

¶2. (C) After meeting successively with a group of 60 MPs, jihadi leaders, and his cabinet January 4, President Karzai issued a decree late in the day to order the Parliament, under Article 107 of the Constitution, to remain in an "extraordinary session" in order to finish the cabinet nomination process. The Embassy observers of the January 5 Parliamentary session noted that the MPs argued that the tone of the decree was 'dictatorial.' Some quibbled that the Constitutional provision exists in order to bring Parliament back from recess, but they had not yet gone out of session. Qanooni faced an apparently evenly split chamber and ruled that the WJ would go on recess but reconvene as soon as the President sends a new cabinet list for the 17 vacant ministerial slots -- plus his Foreign Minister pick. MPs we had spoken to were anxious for a break, and many had made vacation or other travel plans. Reconvening a quorum in a few days, if the new list is submitted as expected on January 9, may be difficult.

¶3. (S) Shaida Abdali, the Deputy National Security advisor to President Karzai, told us January 5 that in the President's meeting the day before with 60 MP's they had started out strongly in favor of pressing for their recess but had taken on board Karzai's argument that a government without 17 of its ministers could not function properly. Abdali said that Karzai could not have the seven successful candidates sworn in until the rest of the cabinet was ready because he felt so strongly that the new government had to be constituted in full. Presidential Chief of Staff Omer Daudzai

told D/Ambassador Ricciardone January 4 that of these ministers, those who continued to serve in the same ministries (Defense, Interior, Finance, Education and Agriculture) would continue to serve with full authority, while Rahim (Culture) and Shahrani (Mines) will be allowed to begin work at their new ministries on an acting basis.

¶4. (C) Abdali noted that they had been ready to issue a decree establishing Acting Ministers but instead had held back after receiving conflicting legal opinions about the status of ministers who had been voted down (and whether those ministers could still be "Acting".) "Plan B" was to have recess appointments, even including ministers who were not on the original list, sent to Parliament staying on in acting capacity, but Abdali reiterated that such a government would be totally incapable of moving forward on key issues relating to the London Conference and upcoming Parliamentary elections and such an outcome must be avoided.

Will the new list be truly new?

¶5. (S) Ambassador Wayne spoke January 4 and 5 with both confirmed Education Minister Wardak and rejected Communications Minister Sangeen. Wardak told Wayne the President had issued his decree because the country "could not afford to wait" through a Parliamentary recess. He said the President would announce new cabinet nominees on Saturday, January 9. Sangeen, expressing shock and hurt over his unsuccessful candidacy, said he was gratified by media response that allegedly cited his case as an example of

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parliamentary excess and bad judgment. Sangeen lamented the paucity of proven ministers with good records and opined that Parliament was now feeling great pressure to correct its excesses. Although President Karzai did not directly say he would renominate him for another post, Sangeen had the impression during the cabinet meeting that the President wanted to nominate him Minister for Energy and Water, for which he wanted our support. National Security Advisor Rassoul told Wayne separately that Sangeen was likely to be renominated, for a new post.

¶6. (C) Karzai has already begun to work on a new list, according to Daudzai. In the January 5 session MPs made it clear to Embassy observers that they expect to see a slate of new names, not retreads. Daudzai confirmed this, telling us that the MP's had told Karzai that if he respected them as representatives of the people they would call off winter holidays and look again at his next list. They told him he should minimize the number of "same names" he put on his second list of the failed ministers. And that of the "same names" that he felt he had to re-use, they should be submitted for different ministries. Daudzai called this meeting "problem-solving, not antagonistic." Daudzai noted that Karzai was concerned to avoid further upsetting the Hazaras after Parliament rejected all the ethnic Hazara minister nominees -- although reports from some Embassy Hazara contacts were that most Hazara MP's had voted against several Hazara candidates as unqualified.

¶7. (C) Karzai's meeting the same day with angry political "jihadi" allies whose candidates had failed (Sayyaf, Dostum, Pir Gailani, Mohaqeq) was even more difficult, Daudzai said. Pir Gailani alleged to Karzai that Karzai allies had gone to the MPs to pay them to vote AGAINST his son. Gailani would be a problem for Karzai, Daudzai noted (made even more difficult since apparently his Upper House seat has been given away during this confirmation process.) Ismail Khan may reappear as the Minister of the Hajj or as a Senior Adviser to the President (both would keep him from having contact with the international community and keep him out of Herat, as many wish) while Ahadi could be resubmitted for either Trade or Transport since "he is well educated."

Karzai: Angry and Suspicious, but Moving On

¶8. (C) Daudzai told Ricciardone that Karzai was angry about the failure of his Cabinet nominees. While happy about those Ministers who succeeded he is angry at them for not lobbying for anyone but themselves. He has called them to task, said Daudzai, and ordered them to go back to the trenches and lobby for the team now. Karzai is reportedly particularly unhappy about the defeat of his nominations for Ahadi, Sangeen, "the woman", and former Minister of Justice Danesh, whom he considered one of the top legal minds in Afghanistan.

He also was concerned about the accusations of bribery. They don't know how to fix the perception of bribery, Daudzai said. When asked &what is the reality?8 he replied that a NDS (Intelligence) Chief Saleh was collecting evidence indicating that bribery had indeed occurred and would give Daudzai a report -- after which Daudzai and Saleh would "consult on how best to present the facts to the President." Rassoul commented to Wayne that "it is hard to learn all the best practices of democracy, for some."

¶9. (C) D/Ambassador Ricciardone noted that Parliament seemed unable to police its own, without a real ethics committee or applicable laws. Daudzai replied that in his view, Parliament was counting on the fact that they had approved the most genuinely successful ministers so they would not look corrupt. Ricciardone noted that Fatimie, Sangeen and Danesh were clear exceptions to this. Daudzai agreed, and noted that Karzai likely would re-nominate some individuals, to other ministries. Daudzai opined that bribes certainly had not been the issue with Women's Affairs Minister Ghazanfar but that instead, the female members of Parliament had voted her down on principle because they wanted more female nominees overall. Daudzai said Karzai was "in a box" needing to keep his promise to appoint three female ministers. He suggested that Karzai might appoint Ghazanfar to the Ministry of Higher Education.

More Reasons: "History" and Misunderstandings

¶10. (C) Ricciardone noted to Daudzai that we do not support UNAMA SRSG's recent negative public statement about the vote, which called it a "blow" against Karzai's ability to get his work done, but we do want to see the Afghans resolve the situation and get an effective new cabinet to work soon. Ricciardone said we intend to follow the Afghan lead but

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there is a lot of work to do and we are very disappointed about Fatimie and Sangeen, both are spectacularly competent. Daudzai said that 64 MPs met with Abdullah Abdullah the night before the vote and agreed to vote against Ismail Khan because he had switched parties and "betrayed" them. Deputy Speaker Yasini told us separately that Abdullah had campaigned hard among his followers to vote down many of the candidates - but said that the actual number of deputies who answered to Abdullah was more like 35.

¶11. (C) Daudzai claimed that the failed ministers were either accusing the successful ones of having paid bribes or having won for ethnic reasons (the majority of the winners are Pashtun. The remaining Uzbek winner (Sharani) is "not owned by the Uzbeks, he has never identified with them or with Junbesh"). This ethnic argument is at odds with a theory by Agriculture Minister Rahimi, who told us in private January 4 that an Uzbek MP that he knew had planned to vote for the Uzbeks on the slate out of ethnic solidarity - but "when he got behind the curtain, he said he couldn't do it because they weren't competent and voted against them." Rahimi appears to be the only minister that was confirmed about whom no allegations of bribery exist.

¶12. (C) Tahera Meherzada (Kapisa, Tajik), chairwoman of the &Human Rights, Women,s, and Civil Society Committee8 told us January 3 that the vote was really "against Karzai,s government." During the elections, she said, Karzai did not speak directly to the people, but rather asked warlords, human rights abusers, and other criminals for their support. Because the parliament represents the people, the MPs did not confirm his candidates who were nominated based on their affiliations. Meanwhile, Fawzia Raoufi, (Faryab, Pashtun), called January 2 an "historic day," because Parliament stood up to the government and voted on behalf of the Afghan people. She said they voted for candidates who are independent and care about their work and improving Afghanistan, rather than being beholden to someone else. She said MPs received phone calls from constituents criticizing a number of ministries for not working and not "spending their budgets" (a common refrain, based on a recent, partial analysis of mid-year expenditures of development funding.)

¶13. (C) MP Iqbal Safi (Pashtun, Kapisa) told us January 4 that his basis for voting had been: lobbying by the candidates; negative comments in the media or from constituents (for example, the candidate for higher education Obaid was qualified, Safi said, but many female MPs received emails from female students who said he was morally corrupt so they voted against him); and other details such as the fact that the candidate for public works "had a big moustache, looked like a communist and he was a communist from before." On Atmar, Safi said that originally he'd thought he would fail, but Atmar met every MP several times and had other supporters who asked MPs to parties where Atmar came and lobbied them. According to Reza, Atmar told MPs he had unlimited resources, "just tell me what you need, including jobs at the Ministry of Interior. He confirmed that members of his party, Hezb-e-Islami, had voted as a bloc against Ismail Khan but all had voted for Atmar because if Atmar failed, a Rabbani Jamiat candidate would follow in the second round.

¶14. (C) This vote might the first salvo of the upcoming Parliamentary election campaign, previewing complaints about lack of progress under Karzai. In some cases, sitting ministers may have been victims of criticisms of conditions in general, despite the fact that Afghanistan is still battling to provide the most basic services after years of war. Yasini said, in the face of popular wisdom and strong polling data, that Fatimie was clearly not effective because "the hospitals are terrible" while MP Raoufi criticized the MoPH and the Ministry of Public Works for not spending a large percentage of their budgets, despite poor hospitals and roads.

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